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July 11, 2018

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VIA ECF

Honorable Steven M. Gold
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Qinghai Zeng v. The Parc Hotel, et al.*, 17 Civ. 07601 (ARR)(SMG)

Dear Judge Gold:

This firm represents defendant CLA Commercial Cleaning ("CLA") in the above-referenced matter. We write to respectfully request an extension of CLA's deadline for the filing of a third-party complaint without leave of Court pursuant to Fed. R. Civ. P. 14(a)(1) ("Rule 14"). This is CLA's first request for an extension of this deadline and Plaintiff's counsel consents to this request. This application is submitted on an urgent basis since the Court's Order issued today setting a deadline for Plaintiff to amend her pleading (Dkt. No. 24) comes one day before CLA's deadline to file the third-party complaint. As discussed below, Plaintiff's proposed amended pleading will determine whether third-party litigation is necessary. Accordingly, CLA respectfully asserts that an extension of CLA's deadline is the most efficient use of judicial resources.

Yesterday, the Court held an Initial Conference at which Your Honor directed Plaintiff to file a proposed Second Amended Complaint by July 17, 2018, to cure certain deficiencies identified by the Court. Your Honor and counsel for the parties also discussed the possibility of Plaintiff bringing former co-defendant, The Parc Hotel, back into the case in the Second Amended Complaint based on its status as a joint employer of the Plaintiff. During this discussion, I indicated that CLA intends to file a third-party complaint against The Parc Hotel if Plaintiff fails to bring The Parc Hotel back into the case. Today, the Court issued an Order setting the Plaintiff's deadline for submitting a proposed Second Amended Complaint, along with CLA's deadline to respond to the proposed pleading. Dkt. No. 24.

In light of the Court's Order today, CLA respectfully requests an extension of its deadline to file a third-party complaint without leave of Court pursuant to Rule 14. A defending party to an action may, as a third-party plaintiff, serve a summons and complaint on a nonparty who may be liable to it for the claim against it. Fed. R. Civ. P. 14(a)(1). A third-party complaint may be filed *without leave of court* within 14 days after service of the defending party's original answer in the case. *Id.* Here, CLA filed its original answer in this case on June 28, 2018 and therefore has until this Thursday, July 12, to file a third-party complaint without leave of the Court. As



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discussed with Your Honor at the Initial Conference yesterday, CLA is preparing to file a third-party complaint against former co-defendant The Parc Hotel, since The Parc Hotel was a joint employer of Plaintiff. In light of the Court's Order that Plaintiff will submit the proposed Second Amended Complaint by July 17, 2018, CLA respectfully asserts that the most efficient course forward would be to extend CLA's deadline to file a third-party complaint *without leave of Court* to a date after Plaintiff's July 17th deadline to submit the proposed Second Amended Complaint. This extension of time will allow CLA time to evaluate the Second Amended Complaint before deciding whether third-party litigation is necessary. The extension is particularly prudent in light of the possibility, as discussed at the Initial Conference, that Plaintiff may bring The Parc Hotel back into the case in the Second Amended Complaint, which would obviate the need for the filing of a third-party complaint. Accordingly, CLA respectfully requests that the Court grant CLA an extension until July 24, 2018 to file a third-party complaint (if necessary) without leave of Court.

On behalf of Defendant CLA, we thank the Court for its consideration in this matter.

Sincerely,

/s/*Benjamin E. Stockman*
Benjamin Stockman

cc: John Troy, Esq., *attorney for Plaintiff* (By ECF)
David Yan, Esq., *attorney for Defendant Parc Hotel* (By ECF)